

ANSWERS 126 20

For *James Anderson* and *Agnes Campbell* his Mother,
To the Complaint Exhibite against them before
the Lords of Their Majesties Privy Council.

That where the Defenders are conveyed as Contemners of Their Majesties Authority, in Exercing the Office of printing Proclamations of Council, and other things that belongs to the Office of Their Majesties Printers, without taking the *Oath of Allegiance* and *Certificat* appointed to be taken by Persons in Publick Trust; and that therefore they should be Deprived of the said Office, and Ordained to find such Security for their good Behaviour as your Lordships shall think fit.

It is humbly represented to your Lordships, That the second Act of the first Session of this Parliament appoints only persons in Publick Trust, either Civil or Military, to take the *Oath of Allegiance*; and the Office of King's Printer cannot be constructed a Publick Trust, since they have not the Power to Print what they please, and can only Print the Acts of Parliament and Council, and other Papers relating to Publick Affairs, which are Licensed; so that the Government can no ways be prejudged by the Affection, or Disaffection, of Their Majesties Printer, in the Exercise of that Office, which is merely to Print what is Ordained or Licensed by Authority.

The 38 Act of the 2d Session of this Parliament, Appoints only the *Certificat* to be taken by Persons, who in Law are obliged to take the *Oath of Allegiance*, and by all those to whom your Lordships shall put the *Oath of Allegiance* to. But so it is, That the Defenders not being persons in Publick Trust, appointed by the foresaid first Act of Parliament, to take the *Oath of Allegiance* for the Reasons foresaid; nor the *Oath of Allegiance*, nor *Certificat*, not being put by your Lordships before this, to the saids Defenders, they cannot incur the Certification contained in that Act of Parliament, as refusing to subscribe the same; since Persons cannot be said to refuse to Subscribe till they be Interpelled, and Required to do the same: And if your Lordships do now require the same, the Defender *James Anderson*, and *James Hamilton*, who is Assigned by *Agnes Campbell* to her Liferent of the Tack, are most willing to swear the *Oath of Allegiance*, and subscribe it, and the *Certificat*, as a Mark of their Affection to Their Majesties Government, if your Lordships shall require it.

As for your Lordships Proclamation Lybelled on, it is so far from being an Argument of the Defenders contempt of their Majesties Authority, in not taking the saids Oaths against the times therein prefixt, that on the contrair, it is a ground of Defence for them, against the present Complaint; since your Lordships by that Act, (if the Defenders, as Printers to their Majesties, had been Persons in publick Trust) would have enumerat them as such; when there are so many several kinds of Publick Trust enumerat, as Sheriffs, Commissars, Stewarts, Bailies of Bailiaries, and Regalities, Magistrats of Burghs, their Deputs, Clerks, and Clerk-deputs, Fiscals, Justices of Peace, &c. And therefore the Defenders not being enumerat, as Persons in Publick Trust, cannot be reput guilty of Contempt, to infer such a Certification, as the loss of their Office, because they took not the said *Oath*, and *Certificat*, betwixt and the day prefixt by the said Proclamation: Or if your Lordships had looked upon the Defenders as Disaffected, your Lordships would have expressly Interpelled, and Required them, either by that Proclamation, or some other way, which not being done till now, and the Persons above-named, who have now Right to the said Gift, being willing to take the Oaths, they cannot be Deprived of that Office, which is their Property, being Granted under the Great Seal, and Ratified in Parliament.

